

REMARKS

The present communication is responsive to the Office Action mailed January 20, 2010. In the Action, claims 1-16 were rejected. In this amendment, claims 1, 2, 9, 13, and 14 are amended. No new matter has been added. Accordingly, claims 1-16 remain pending for the Examiner's consideration.

§ 112 Rejections

Claims 1-4, 9-10, and 13-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Particularly, the Examiner points to the phrase "operable to" as being unclear.

Claims 1-2, 9, and 13-14 have been amended to clarify the "operable to" language. Claims 3-4 and 10 did not recite "operable to," and therefore have not been amended. Rather, Applicants respectfully submit that any previous deficiency of claims 3-4 and 10 has been cured by the amendment of claims 1-2 and 9, from which they depend.

For at least the reasons discussed above, Applicants respectfully submit that claims 1-4, 9-10, and 13-14 are patentable under § 112, second paragraph, and therefore request that their rejections be withdrawn.

§ 102 Rejections

Claims 1-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publn. No. 2001/0032252A1 to Durst, Jr. et al. ("Durst").

Claim 1 recites "an input unit for inputting from a printed medium a first graphic code corresponding to first information," and "a communication unit programmed to use the first information as terminal identification information to establish communication through the network as registered device." (Emphasis added.)

Durst fails to teach this limitation. Rather, Durst merely teaches that publications may be printed with a graphic

file, such as a barcode or alphanumeric identifier, and distributed to end users. (*Durst*, ¶ [0018]). If the end user is interested in obtaining further information, the user can access a web site using the graphic file. (*Id.* at ¶ [0019]). "The user 26 may also be asked to register and provide certain demographic information to the selected website. After registration, a web page in the form of a frame will be downloaded to the user's browser." (*Id.* at ¶ [0021]).

This is neither equivalent nor comparable to using information corresponding to the graphic "as terminal identification information to establish communication through the network as registered device." Nothing in *Durst* teaches identifying a terminal or other device used to access the network. Moreover, nothing in *Durst* teaches using a registered device. At best, *Durst* merely teaches that a user may register himself *after accessing the site* by entering particular information. Thus, not only does *Durst* fail to teach using the first information as terminal identification information, but *Durst* fails to teach any form of terminal identification information or registering devices.

For at least the reasons discussed above, Applicants respectfully submit that claim 1 is patentable over *Durst*. Moreover, for at least the reasons that claims 2-4 depend from and therefore include the limitations of claim 1, Applicants further submit that claims 2-4 are also patentable. Thus, Applicants respectfully request that the rejections of claims 1-4 be withdrawn.

Independent claims 5, 13, and 15 include similar limitations to those discussed above in connection with claim 1. Particularly, claim 5 recites "using the first information as terminal identification information to establish communication through the network as a registered device." Claim 13 recites "a communication unit programmed to use the first information as

terminal identification information to establish communication with the server." Claim 15 recites "storing in the storage unit terminal identification information for the terminal device" and "transmitting the selected piece of content from the storage unit to the terminal device based on the terminal identification information." Thus, for at least the reasons discussed above in connection with claim 1, Applicants respectfully submit that independent claims 5, 3, and 15 are also patentable. Moreover, at least because claims 6-8, 14, and 16 depend from and therefore include the limitations of claims 5, 13, and 15, respectively, Applicants further submit that these claims are also patentable over Durst. Thus, Applicants respectfully request that the rejections of claims 5-8, 13-14, and 15-16 be withdrawn.

Claim 9 recites "an input unit for inputting from a printed medium a selected one of the first series of graphic codes corresponding to one of the operating instructions and a selected one of the second series of graphic codes corresponding to one of the pieces of content," and "an operating unit programmed to execute the one of the operating instructions with respect to the one of the pieces of content."

In contrast to claim 9, Durst only teaches one series of graphic codes, such codes corresponding to a publisher's website. Durst fails to teach a second series of graphic codes at all. Notably, Durst fails to teach a series of graphic codes "corresponding to one of the operating instructions."

Further, Durst fails to teach a communication unit which executes a selected operating instruction with respect to a selected piece of content. Much more simply, the graphic code of Durst merely provides a link to the publisher's website. There is no option to select or execute any operating instruction.

For at least these reasons, Applicants respectfully submit that claim 9 is patentable over Durst. Moreover, at least because claim 10 depends from and therefore includes the limitations of claim 9, Applicants further submit that claim 10 is also patentable. Thus, Applicants respectfully request that the rejection of claims 9-10 be withdrawn.

Independent claim 11 recite similar limitations to those discussed above in connection with claim 9. Particularly, claim 11 recites "selecting one of the operating instructions by inputting from a printed medium one of the first series of graphic codes corresponding to the selected operating instruction." Thus, for at least the reasons discussed above, Applicants respectfully submit that claim 11 is also patentable over Durst. Further, at least because claim 12 depends from and includes the limitations of claim 11, Applicants also submit that claim 12 is patentable. Therefore, Applicants respectfully request that the rejection of claims 11-12 be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
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